

Notice of Allowability

Application No.

09/938,644

Examiner

Anita K Alanko

Applicant(s)

RUEGER, NEAL

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/03 and 1/12/04 telephone interview.
2. ☒ The allowed claim(s) is/are 1-66.
3. ☒ The drawings filed on 10 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Anita K. Alanko
Anita K Alanko
Primary Examiner
Art Unit: 1765

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan Flax on January 12, 2004.

The application has been amended as follows:

In the claims:

In claim 1, line 15, after "etching" insert

- - , thereby forming a second contoured feature at said contoured feature - -

In claim 8, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 28, line 8, after "magnetic field" insert

- - , thereby forming a contoured feature at said contoured region - -

In claim 32, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 33, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 34, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 35, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 36, line 1, delete "Previously amended" and insert - - Previously presented - -

In claim 53, line 7, after "plasma" insert

- - to form a second contour at said at least one contour - -

In claim 66, line 12, after "workpiece" insert

- - , thereby forming a contoured feature at a contour of said workpiece - -

In claim 66, line 14, after "adjusting", delete the comma.

In the specification:

(not approved in advance by applicant, but requested in response to the first office action on the merits)

on page 8, lines 19 and 25; delete "E" and insert the arrow above the letter - - \vec{E} - -

on page 9, lines 3, 5, 6, 9, 11, 13, 14, 17, 19, delete " β " and insert - - $\vec{\beta}$ - - (absolute value indicators, the vertical bars remain, this amendment inserts an arrow above the letter)

on page 10, line 27, page 11, lines 2, 5, 9, 17, delete " β " and insert - - $\vec{\beta}$ - - (absolute value indicators, the vertical bars remain, this amendment inserts an arrow above the letter)

The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest a method of forming a microstructure by micromachining, comprising providing a substrate in a processing chamber, said substrate comprising an etchable material and having at least one contoured feature,

generating a stable ion-containing etching plasma in said processing chamber, said plasma etching the contoured feature of said substrate;

generating a magnetic field, said magnetic field being adjustable in intensity and direction;

applying an RF bias power to said substrate, said RF bias power being adjustable in intensity; and

controlling said etching of the contoured feature by creating an electron differential at said contoured feature by adjusting at least one of said magnetic field intensity, magnetic field direction, and RF bias power intensity during said etching, thereby forming a second contoured feature at said contoured feature, as in the context of claim 1.

The closest prior art, Moslehi, discloses etching of contours, but does not suggest to form a second contour at said first contour (as shown, for example in Figures 9-12A) by adjusting the magnetic field intensity, direction or RF bias power intensity during said etching, as in the context of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon,Tues & Fri: 8:30 am-5 pm; Wed&Thurs:10 am-2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Anita K. Alanko

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